

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

OP.No. 806 of 2003(U)

PETITIONER:

T.K.MURALEEDHARAN, CHAKKERIYIL HOUSE,
PARAL P.O., KODIYERI, THALASSERY.

BY ADV. SRI.A.MOHAMMED MUSTAQUE
SRI.SHEJI P.ABRAHAM

RESPONDENTS:

1. THE SECRETARY TO GOVERNMENT,
FISHERIES DEPARTMENT, THIRUVANANTHAPURAM
2. THE DIRECTOR OF FISHERIES,
VIKAS BHAVAN, THIRUVANANTHAPURAM
3. AGENCY FOR DEVELOPMENT OF AQUACULTURE
(ADAK) REJA, MINCHIN ROAD, THIRUVANANTHAPURAM-14,
REPRESENTED BY ITS EXECUTIVE DIRECTOR.
4. THE REGIONAL EXECUTIVE, ADAK,
KANNUR REGIONAL CENTRE, THALASSERY
5. THAHASILDAR AND REVENUE RECOVERY
OFFICER, THALASSERY

BY SMT.SMITHA, SUKUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.NO. 806/2003

ORDER ON CMP NO.1406/2003 IN O.P.NO. 806/2003

DISMISSED.

05/12/2007

SD/-(C.N.RAMACHADRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE MEMORANDUM OF ASSOCIATION OF THE AGENCY (ADAK).

P2 : COPY OF THE RULES AND REGULATIONS.

P3 : COPY OF THE BROCHURES PUBLISHED by the AGENCY.

P4 : COPY OF THE TERMS AND CONDITIONS ISSUED by the AGENCY.

P5 : COPY OF THE RELEVANT PAGES OF ESTIMATE OF THE DEVELOPMENT COST OF AVARIOUS WORKS AND OTHER EXPENSES FOR THE FARM PREPARED BY THE KITCO.

P6 : COPY OF THE AGREEMENT DATED 27/01/1995.

P7 : COPY OF THE SANCTIONED ORDER ISSUED BY THE AGENCY.

P8 : COPY OF THE DEMAND NOTICE.

P8a : COPY OF THE LOAN STATEMENT.

P9 : COPY OF the REPRESENTATION DATED 11/01/1999.

P10 : COPY OF THE DEMAND DRAFT AND COVERING LETTER.

P11 : COPY OF THE DEMAND NOTICE ISSUED TO THE petitioner.

P12 : --DO--.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 806 of 2003

Dated, this the 5th day of December, 2007

J U D G M E N T

Learned Government Pleader submitted that State Government has requested Central Government to waive the loan availed by acqua farmers. Petitioner has also produced copy of the request from Government dated 05/02/2002. In the circumstances, and since respondents are not pressing recovery against the petitioner, this original petition is closed.

2. However, if loan is not waived by Central Government in terms of request of the State Government, respondents are free to proceed with recovery and in that event, petitioner is free to raise his objections against recovery in fresh proceedings.

(C.N.RAMACHANDRAN NAIR, JUDGE)